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SUBJECT Sovietization of Judiciary System

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Projected Transformation of Judiciary System

1. An essential feature in the Polish Government's plans for complete sovietization of Poland is the projected transformation of the national judiciary system from one based on western European principles to one patterned after the Soviet system. Achievement of this transformation, though inevitable, will be difficult because:
 - (a) It presupposes a change in basic law. Democratic law, to which Poles are accustomed, is based on objective justice, while Soviet law is determined by national, state, and social interests. In a totalitarian state, a man is classified as a criminal if he commits an act construed as detrimental to the totalitarian system; he is a good citizen if he lies, steals, or kills in the interests of the system.
 - (b) Poland has an insufficient number of prosecutors and judges who are thoroughly schooled in Soviet legal doctrine.

Preparatory Propaganda

2. The Communist Government in Poland is endeavoring to prepare the people for a sovietized judiciary system by introducing the idea through various propagandist groups. The Association of Judges and Public Prosecutors, legal firms, and university legal departments are almost completely dominated by Communists. Communist-controlled newspapers publish supplements which expound the new legal doctrine. Several publications such as the Demokratyczny Przegląd Prawny (The Democratic Legal Review) are devoted exclusively to the promotion of public interest and favor.

Training of Prosecutors

3. The Government has instituted special eight-month courses designed to train legal candidates quickly and thus relieve the shortage of properly indoctrinated public prosecutors. Candidates for the courses are selected "from a political point of view" by political parties, social organizations, and trade unions. No scholastic qualifications are necessary beyond the bare ability to read and write.

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Candidates are given a preliminary examination in which they are more fully questioned regarding their political convictions. Three of these special courses have already graduated a total of several hundred "democratic public prosecutors" who fill approximately 10% of Poland's prosecuting positions.

4. The Government does not believe that even these abbreviated special courses are producing a sufficient flow of graduates to assure quick replacement of Poland's unsocialized prosecutors. A Communist school for public prosecutors has therefore been established in Wroclaw and another is being hurriedly organized at Gdansk. These two schools are expected to graduate several hundred prosecutors per year. Graduates will be assigned to duty immediately.
5. Through the medium of its legal education program, the Government will achieve within two or three years its aim of giving Poland an all-Communist prosecuting body. At the same time thousands of worthy lawyers will lose employment.

Communist Judges

6. The Warsaw regime is also organizing courses to train judges in Soviet legal doctrine. In the meantime, however, the Government took immediate steps to install Communist judges in Poland's courts by adopting a procedure similar to that employed during the German occupation. Temporary, special, and military courts were instituted with Russians belonging to Marshal Zymierski's army acting as judges. Most of these judges are Polish-speaking. They wear Polish uniforms. Several former judges and police officials of Poland are also serving the Communists in judicial positions.

Reorganization of Legal Profession

7. Early in 1947 the Communist regime announced a reorganization of the legal profession designed to:
 - (a) suppress the free practice of law,
 - (b) convert all lawyers into state officials under the jurisdiction of the High Council of Lawyers, which in turn will become a Government agency as in the USSR.
8. The first step in socializing the legal profession was taken at Warsaw on 27 Sep 47 when a conference of all deans and presidents of disciplinary courts of the Legal Chambers outlined principles for the establishment of "Social Offices of Legal Help." This institution will be based at the seat of the provincial Lawyers' Chambers but will have branches in every town which has a court. It will operate as follows:
 - (a) Local lawyers will be regimented and registered.
 - (b) Clients will never approach individual lawyers but will solicit legal aid through the Office.
 - (c) The Chief of the Office will assign all cases.
 - (d) Lawyers fees will be paid by the Office.
9. At present, participation in the "Social Offices of Legal Help" plan is voluntary. Within a few months, however, the system will probably become compulsory, which will mean that every practicing lawyer in Poland will be an official of the Communist regime. It will mark the completion of one more phase in the slow but inexorable communization of Poland's judiciary system.

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